

REMARKS

Claims 1-38, 40, 43, 44, and 65-103 are pending in this application. By this Amendment, claims 1, 36 and 43 are amended and claims 41 and 42 are canceled. No new matter has been added by these amendments. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Yabut in the June 9, 2009 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. Election of Species/Restriction Requirement

Claims 24-35, 43 and 65-103 have been withdrawn from consideration. Claims 1-23 and 36-38, 40 and 44 continue to read on the elected Species. At least claims 1 and 8 are generic to all species. Accordingly, rejoinder of claims 24-35 and 43 is respectfully requested upon the allowance of any of the generic claims.

Further, MPEP §821.04(b) recites, in relevant part, "withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder." Accordingly, rejoinder of the method claims 65-103 is respectfully requested upon the allowance of any product claim from which they depend.

II. 35 U.S.C. §102 Rejection

The Office Action rejects claims 1-2 and 9-16 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,800,879 to Golyakhovsky. This rejection is respectfully traversed.

Golyakhovsky fails to disclose, "at least one of the first fitting and the hole is adapted to allow fluid flow from the external fluid flow system into the section of tissue," as recited by claim 1.

As discussed with and agreed upon by Examiner Yabut at the personal interview, Golyakhovsky discloses that a cavity 8 of the upper plastic arm 2 is lined with a plastic balloon 10, which is partially-inflated, and capable of being further inflated by way of a one-way valve 11 that communicates between the outside atmosphere and the balloon 10 (see Golyakhovsky's col. 3, lines 40-51). Thus, Golyakhovsky provides no disclosure that valve 11 allows for fluid flow from an external fluid flow system into a section of tissue.

Therefore, for at least these reasons, Golyakhovsky fails to anticipate claim 1. Thus, as discussed with and agreed upon at the personal interview, claim 1 is patentable over Golyakhovsky, and claims 2 and 9-16 are patentable for at least their dependency from claim 1, as well as for the additional features they recite.

Accordingly, withdrawal of the rejection is respectfully requested.

III. 35 U.S.C. §103 Rejections

The Office Action rejects claim 3 under 35 U.S.C. §103(a) over Golyakhovsky; rejects claims 4-8, 36-40 and 42 under 35 U.S.C. §103(a) over Golyakhovsky in view of U.S. Patent No. 6,726,651 to Robinson; rejects claims 17 and 41 under 35 U.S.C. §103(a) over Golyakhovsky in view of U.S. Patent No. 3,538,915 to Frampton; and rejects claims 18-23 and 44 under 35 U.S.C. §103(a) over Golyakhovsky in view of U.S. Patent No. 5,814,016 to Valley. These rejections are respectfully traversed.

Golyakhovsky, Rogers, Frampton and Valley fail to disclose or suggest, "wherein the flange and the securing feature facilitate connecting the lumen to the organ such that the lumen allows fluid flow between the external fluid flow system and into the organ," as recited by claim 36.

As discussed above, Golyakhovsky provides no disclosure or suggestion that valve 11 allows for fluid flow from an external fluid flow system into an organ.

None of the other applied references overcome at least the above-stated deficiencies of Golyakhovsky with respect to independent claim 1.

Therefore, none of the applied references, alone or in combination, disclose or suggest the above-mentioned features. Therefore, as discussed with and agreed upon at the personal interview, claim 36 is patentable over the applied references taken in any combination. The dependent claims are also patentable for at least their various dependencies from either claim 1 or claim 36 as well as for the additional features they recite.

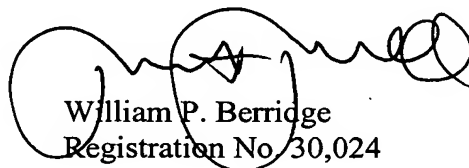
Accordingly, withdrawal of the rejections is respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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WPB:RHR

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